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**From:** Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]  
**Sent:** 4/27/2018 10:29:37 AM  
**To:** Zaremski, Sara [zaremski.sara@epa.gov]; Valentine, Julia [Valentine.Julia@epa.gov]; Birgfeld, Erin [Birgfeld.Erin@epa.gov]  
**Subject:** RE: FOIA Document Review

Hi Sara,

No concerns from me and I gave both Chris and Ben heads up yesterday. No concerns from them either.

Thanks,

Byron

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Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
Bunker.Byron@epa.gov  
Phone: (734) 214-4155  
Mobile: (734) 353-9623

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**From:** Zaremski, Sara  
**Sent:** Thursday, April 26, 2018 4:43 PM  
**To:** Valentine, Julia <Valentine.Julia@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>  
**Subject:** RE: FOIA Document Review

This information will likely be released Next Wednesday May 2. So if anyone else has comments I need to know before then.  
sara

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**From:** Valentine, Julia  
**Sent:** Thursday, April 26, 2018 11:31 AM  
**To:** Zaremski, Sara <zaremski.sara@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>  
**Subject:** RE: FOIA Document Review

Hi Sara – thanks for your incredible work on this, as always.  
Nothing here looks like there is a need to withhold. Nothing here concerns me. Thank you again!

Julia P. Valentine  
US EPA Office of Public Affairs  
202.564.2663 direct  
202.740.1336 m/txt

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**From:** Zaremski, Sara

**Sent:** Tuesday, April 24, 2018 8:23 PM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>

**Subject:** FOIA Document Review

**Importance:** High

Byron/Erin/Julia,

Below is a description of the FOIA request as well as the approach taken. I have reviewed the documents in the sharepoint site and one minor concern (in red below). This batch contains mostly information not previously release. The contents are generally as follows:

- Lots of communication from ICCT to EPA (John German to Chris Grundler, Drew Kodjak to Chris Grundler and Jim Blubaugh, press coordination with ICCT and EPA, etc.) – and I mean LOTS. Please see a screen shot below of one that is FYI and an example of our close working relationship with ICCT. Because this is communication outside the agency, I do not see any valid reason for withholding.
- One email is referencing a ICCT FOIA request which is already available on FOIA online and a subsequent report based on that data
- The actual data included in the FOIA request referenced above.
- Multiple “Car Lines” reports
- International Summit Logistics emails
- A survey and background materials ICCT requested EPA to participate in.
- John German’s FOIA request on in-use vehicles and the resulting information produced. There was also some internal back and forth on this about getting him some additional data from the lab which was eventually produced. And the blog post written from it.
- Emails from private citizens about their issues with VWs to both EPA and DOJ. These seem mostly to be active military.
- Email regarding narrowing the scope of another FOIA regarding Daimler/Mercedes and multiple follow-ups on the status
- Compliance summit slides from Byron regarding FCA enforcement case from May 2017 and April 2016. Also slides from April 2016 from Linc
- Notes from G20 TTG conference call from Drew Kodjak
- This round included emails from myself, Janet Cohen, and Jim Blubaugh to ICCT
- Emails from Byron to ICCT and WVU with a heads up about the announcement in September, 2015 and the settlement in June, 2016
- Presentation from May, 2015 from Justin – it has “Privileged and Confidential” in the footer, so I will point that out to Peter as a potential issue. (page 4530)
- Emails from ICCT with Margo Oge as a recipient mostly related to information on pending rulemakings for HDV

**To:** Drew Kodjak[Drew@theicct.org]  
**From:** Grundler, Christopher  
**Sent:** Sat 9/19/2015 12:25:37 PM  
**Subject:** Media referrals

Yesterday in interviews I refused to speculate on what possibly could have motivated VW but am referring reporters to you in case you might be willing. Should have alerted you sooner and forgot. Sorry

Christopher Grundler, Director  
Office of Transportation and Air Quality  
U.S. EPA  
202-564-1682 (DC)  
734-214-4207 (Ann Arbor)

If you would like to review anything specific, please let me know. If I do not hear from anyone by noon Thursday (April 26), I will tell Peter that OTAQ is ok with these documents. I will reach out to him right away on the one I have highlighted as concerning.

Please let me know if you have any questions.  
sara

Sara Zaremski  
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Compliance Division  
Center Director, Data Analysis and Information Center  
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**From:** Bermes, Peter  
**Sent:** Friday, April 20, 2018 5:08 PM  
**To:** Kaul, Meetu <Kaul.Meetu@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>  
**Cc:** Meekins, Tanya <Meekins.Tanya@epa.gov>  
**Subject:** EPA-HQ-2018-000615, Proposed Production of 377 Docs, Response Requested by April 26

Hello all,

I have a production of records ready for release in response to FOIA EPA-HQ-2018-000615. This request was submitted by Melanie Sloan of Summer Strategies, a Public Affairs organization. She is seeking communications discussing diesel automobiles manufactured by Volkswagen, Audi, BMW, Daimler, or FCA exchanged between EPA and a long list of law firms and environmental groups. The list of external parties is at the end of this email.

Meetu and I discussed what might be subject to gag orders amongst this collection, and I planned to take the first cut at reviewing the somewhat small collection of records. I'm still working with the records collected from OECA custodians, but I've managed to work through the records collected from OTAQ custodians. The link below will take you to the records that are responsive and releasable.

[https://usepa-my.sharepoint.com/:f:/r/personal/bermes\\_peter\\_epa\\_gov1/Documents/EPA-HQ-2018-000615%20\(Sloan\)/April%20Production?csf=1&e=y9ON5Y](https://usepa-my.sharepoint.com/:f:/r/personal/bermes_peter_epa_gov1/Documents/EPA-HQ-2018-000615%20(Sloan)/April%20Production?csf=1&e=y9ON5Y)

Attached is an index of the records. There are 377 records. While there are over 6,000 pages, many of the pages are parts of spreadsheets or publicly available long publications, so it shouldn't require quite as much time to review as you might think. Most of the production is communications with the ICCT, and most discuss VW. It may be most useful to just review the index and follow up on documents of interest.

I think it is most important for OTAQ to review this set, though Meetu/Brianna, you should review if interested. If you'd like to look at the records in Relativity, I can get you access.

I'd like to get this out as soon as we're able, the deadline is the end of the month, though it can be extended. **Would you be able to get me any comments or concerns with the proposed production by Thursday the 26<sup>th</sup>?** If you'll need more time, just let me know. These are all external records with no enforcement concerns that I could see.

Happy to discuss. Thank you,

Peter

List of third parties covered by request:

#### **Law Firms**

Bailey and Glasser: @baileyglasser.com

Baron Budd: @baronandbudd.com

Beasley Allen Crow Methvin Portis & Miles @beasleyallen.com

Bleichmar @bfalaw.com

Block @blockesq.com

Boies @bsfillp.com

Branstetter @bsjfirm.com

Carella @carellabyrne.com

Casey @caseygerry.com

Cotchett @cpmlegal.com

Eggnatz @elplawyers.com

Finkelstein @finkelsteinthompson.com

Girardi @girardikeese.com

Glancy @glancylaw.com

Graham Grant @gelaw.com

Gross @grosskleinlaw.com

Hagens @hbsslaw.com

Hart @hmelegal.com

Hausfeld @hausfeld.com

Hellmuth @hjlawfirm.com

Heygood @hop-law.com

Keller @kellerrohrback.com

Labaton @labaton.com

Levi @zlk.com

Lieff @lieffcabraser.com

Lockridge @locklaw.com

Malkinson @mhtriallaw.com

Motley @motleyrice.com

Pearson @pswlaw.com

Pomerantz @pomerantzlawfirm

Pritzker @pritzkerlevine.com

Quinn @quinnemanuel.com  
Robbins Arroyo @robbinsarroyo.com  
Robbins Geller @rgrdlaw.com  
Robins @robinskaplan.com  
Roxanne @roxanneconlinlaw.com  
Schneider @schneiderwallace.com  
Seeger @seegerweiss.com  
Simmons @simmonsfirm.com  
Sommers @sommerspc.com  
Steyer @steyerlaw.com  
Stull @ssbny.com  
The Rosen @rosenlegal.com  
Weitz @weitzlux.com  
Wolf Haldenstein @whafh.com

### **Environmental Non- Profits**

1% for the planet @onepercentfortheplanet.org  
American Bird Conservancy @abcbirds.org  
American Rivers @americanrivers.org  
Association of Environmental Professionals @califaep.org  
Conservation of International Foundation @conservation.org  
Co-op America @greenamerica.org  
Defenders of Wildlife @defenders.org  
Earth First! @earthfirstjournal.org  
Earth Justice @earthjustice.org  
Earth Liberation Front @earth-liberation-front.com  
Earth Policy Institute @earth-policy.org  
Environmental Defense Fund @edf.org  
Forest Stewardship Council @us.fsc.org  
Friends of the Earth @foe.org  
Green America @greenamerica.org  
Greenpeace @greenpeaceusa.org  
Heal the Bay @healthebay.org/  
Intergovernmental Panel on Climate Change @ipcc.ch  
National Audubon Society @audubon.org  
National Geographic @nationalgeographic.com  
National Resources Defense council @nrdc.org  
National Wildlife Federation @nwf.org  
Rainforest Action Network @ran.org  
Sierra Club @sierraclub.org  
Smithsonian @si.edu  
Surfrider Foundation @surfrider.org  
The Conservation Fund @conservationfund.org  
The International Council on Clean Transportation @theicct.org  
The Nature Conservancy @nature.org  
The Wilderness Society @wilderness.org  
Trust for Public Land @tpl.org  
UNion of Concerned Scientists @ucsusa.org  
West Virginia University @wvu.edu  
Wildlife Conservation Society @wcs.org  
World Business Council for Sustainable Development @wbcsd.org  
World Wildlife Fund @worldwildlife.org  
Worldwatch Institute @worldwatch.org

Peter Bermes  
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